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25/11/99

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE M.B.VISHWANATH

CIVIL REVISION PETITION NO. 275/1998

Smt. Shailaja w/o Vasant Kadam,

Age: Major, Occ: Agriculture & Household Works,

R/o. H. No. 4448, Chavat Galli,

Belgaum.

...PETITIONER

(By Sri. V. R. Datar, Adv. for petr.)

- vs -

1. Sri. Mallappa s/o Yallappa Desai.

2. Laxmibai w/o Parashram Rajabache.

Both majors, Occ: Agriculture, R/o

Both Resident of Benkanahalli village,

Taluk & District: Belgaum.

...RESPONDENTS

(By Sri. M. B. Naragund, Adv. for R-1)

** * * *

Civil Revision Petition is filed U/s 115
of CPC against the order dtd. 13.1.1998 passed in
O.S. No. 833/1997 on the file of the 1st Addl. Civil
Judge (Jr. Dn.) Belgaum.

This Civil Revision Petition coming on for
ADMISSION this day, the court made the following: -

O R D E R

Heard both Counsel.

The petitioner-plaintiff has challenged the
order dated 17.1.1998 passed on I.A.No.4 under order
41 Rule 5(2) r/w Section 151 of the C.P.C. setting
aside the earlier order granting temporary injunction.
I.A.No.4 u/o 41 R.(5 (2) CPC was filed by the
defendants.

The order in question has been passed on
17.1.1998. The learned judge granted stay for
15 days, till 2.2.1998. This date is already over.
Consequently the revision petition has become
infructuous.

The learned Counsel for the petitioner
submits that the learned judge could not have passed
the stay order on an application under Order 41 Rule
5 C.P.C. staying his own order on I.A.No.1. It is
not necessary to pronounce on this point since,

- 3 -

as I have already stated, the revision petition has become infructuous.

The revision petition is disposed of as stated herein.

Sd/-
JUDGE

T.BY:BY

C.BY: ✓

R.BY: ✓

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

3/7/98



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